

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

v.

AUDIBLE MAGIC CORPORATION,

Defendant.

AUDIBLE MAGIC CORPORATION,

Counterclaim Plaintiff

v.

BLUE SPIKE, LLC, BLUE SPIKE, INC.
and SCOTT A. MOSKOWITZ

Counterclaim Defendants.

Case No. 6:15-cv-584-MHS

Jury Trial Demanded

AUDIBLE MAGIC'S NOTICE RE TIME REQUESTED FOR TRIAL

Audible Magic Corp. (“Audible Magic”) submits the following estimates of time requested for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments, pursuant to the Order Regarding Amended Pretrial Deadlines. [Dkt. No. 76]

Audible Magic believes that the jury trial will start on Monday July 18 and likely end on July 22. Audible Magic estimates that the probable length of trial is 4.5 days, not including jury selection.

Audible Magic has submitted a proposed voir dire questionnaire, and respectfully requests that the Court provide this questionnaire to the jury venire prior to jury selection. [Dkt. 117-13] Audible Magic estimates that the time required for Audible Magic’s voir dire will be approximately 30 minutes.

Audible Magic estimates that the time required for Audible Magic’s opening statement will be approximately 45 minutes.

Audible Magic estimates that the time required for Audible Magic’s direct and cross examinations (including both live witnesses and audiovisual deposition designations) will be approximately 13 hours. The parties will continue to meet and confer regarding the necessity of trying invalidity theories beyond Audible Magic’s claim under 35 U.S.C. § 102(f) and whether motion practice on that will become necessary. If the trial will involve invalidity theories beyond 35 U.S.C. § 102(f), Audible Magic will require an additional three (3) hours of time for direct and cross examinations (for a total of 16 hours)

Dated: June 23, 2016

Respectfully submitted,

By: /s/ Eric H. Findlay
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served electronically on opposing counsel pursuant to Local Rule CV-5(a)(7)(C) on June 23, 2016.

/s/ Eric H. Findlay

Eric H. Findlay